

AMENDED IN SENATE SEPTEMBER 4, 2009

AMENDED IN SENATE SEPTEMBER 1, 2009

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY APRIL 29, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 429**

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**Introduced by Assembly Member Brownley**  
**(Coauthors: Assembly Members Adams, Huber, Ma, and Torlakson)**  
(Coauthors: Senators Liu and Romero)

February 23, 2009

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*An act to add Section 52052.51 to the Education Code, relating to the Public Schools Accountability Act of 1999. An act to amend Section 52052.5 of the Education Code, relating to public school accountability.*

LEGISLATIVE COUNSEL'S DIGEST

AB 429, as amended, Brownley. ~~The Public Schools Accountability Act of 1999~~ *Public school accountability*: advisory committee.

Existing law requires the Superintendent of Public Instruction to establish an advisory committee to advise on all appropriate matters relative to the creation of the Academic Performance Index and the implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program. Existing law requires the committee to make recommendations to the Superintendent on the appropriateness and feasibility of a methodology for generating a measurement of academic performance by using unique pupil identifiers and annual academic achievement growth to provide

a more accurate measure of a school’s academic achievement growth over time.

~~This bill would state the intent of the Legislature that the advisory committee make recommendations for generating a measurement of academic performance that can provide a more accurate and valid measure of a pupil’s academic achievement growth over time and use a specified pilot study in making recommendations, and that the Superintendent forward recommendations containing a cost estimate and timeline for implementation to various state entities. The bill would further state the intent of the Legislature that recommendations to develop a longitudinally valid assessment system not be implemented unless and until funds are specifically appropriated for that purpose.~~

*This bill would require the committee, by January 1, 2011, to make recommendations to the Superintendent for the establishment of a methodology for measuring a school’s academic achievement growth and a pupil’s academic achievement growth more accurately and validly over time. This bill would require the committee to consider a specified pilot study of academic growth measures in making its recommendations to the Superintendent, and that the recommendations be consistent with specified federal laws. The Superintendent would be required to immediately forward the committee’s recommendations to specified state entities.*

*This bill would provide that specific provisions of the bill would not be implemented unless and until funds are appropriated by the Legislature in the annual Budget Act or another statute.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 52052.5 of the Education Code is amended
- 2     to read:
- 3     52052.5. (a) The Superintendent of ~~Public Instruction~~ shall
- 4     establish a broadly representative and diverse advisory committee
- 5     to advise the Superintendent of ~~Public Instruction~~ and the ~~State~~
- 6     ~~Board of Education~~ *state board* on all appropriate matters relative
- 7     to the creation of the Academic Performance Index and the
- 8     implementation of the Immediate Intervention/Underperforming
- 9     Schools Program and the High Achieving/Improving Schools
- 10    Program. Members of the advisory committee shall serve without

1 compensation for terms not to exceed two years. The State  
2 Department of Education *department* shall provide staff to the  
3 advisory panel.

4 (b) By ~~July 1, 2005~~ *January 1, 2011*, the advisory committee  
5 established pursuant to ~~this section~~ *subdivision (a)* shall make  
6 recommendations to the Superintendent of Public Instruction ~~on~~  
7 ~~the appropriateness and feasibility for the establishment of a~~  
8 methodology for generating a measurement of academic  
9 performance by utilizing unique pupil identifiers for pupils in  
10 kindergarten and any of grades 1 to 12, inclusive, and ~~annual~~  
11 ~~academic achievement growth to~~ *for developing a longitudinally*  
12 *valid achievement assessment system in which annual academic*  
13 *growth can provide a more accurate and valid measure of a*  
14 *school's growth over time. If appropriate and feasible, the*  
15 *Superintendent of Public Instruction, with the approval of the State*  
16 *Board of Education, shall thereafter implement this measurement*  
17 *of academic performance* *academic achievement growth and a*  
18 *pupil's academic achievement growth over time.*

19 (1) *The advisory committee shall consider the pilot study of*  
20 *academic growth measures, pursuant to Provision 10 of Item*  
21 *6110-113-0890 of Section 2.00 of the Budget Act of 2007, in*  
22 *making recommendations to the Superintendent for this purpose.*

23 (2) *Upon receipt, the Superintendent shall, immediately forward*  
24 *the recommendations of the advisory committee to the state board,*  
25 *the appropriate policy and fiscal committees of the Legislature,*  
26 *and the Department of Finance. The Superintendent shall include*  
27 *a cost estimate for each recommendation and a timeline for*  
28 *implementation.*

29 (3) *The recommendations shall be consistent with statutory,*  
30 *regulatory, and technical guidance from the United States*  
31 *Department of Education under the Elementary and Secondary*  
32 *Education Act of 1965 (20 U.S.C. Sec. 6301 et seq.) and the*  
33 *American Recovery and Reinvestment Act of 2009 (Public Law*  
34 *111-5) so as to maximize the state's funding opportunities,*  
35 *including, but not limited to, state incentive grants under the Race*  
36 *to the Top Fund.*

37 (c) *No recommendation made pursuant to subdivision (b), or*  
38 *any other proposal to develop a longitudinally valid assessment*  
39 *system, may be implemented unless and until funds are*

1 *appropriated by the Legislature in the annual Budget Act or*  
2 *another statute specifically for that purpose.*

3 SECTION 1. ~~Section 52052.51 is added to the Education Code,~~  
4 ~~to read:~~

5 52052.51. (a) ~~It is the intent of the Legislature that the advisory~~  
6 ~~committee established pursuant to Section 52052.5 do both of the~~  
7 ~~following:~~

8 (1) ~~Make recommendations for generating a measurement of~~  
9 ~~academic performance that can provide a more accurate and valid~~  
10 ~~measure of a pupil's academic achievement growth over time.~~

11 (2) ~~Use the pilot study of academic growth measures, pursuant~~  
12 ~~to Provision 10 of Item 6110-113-0890 of Section 2.00 of the~~  
13 ~~Budget Act of 2007, in making recommendations to the~~  
14 ~~Superintendent for this purpose.~~

15 (b) ~~If recommendations are made by the advisory committee~~  
16 ~~pursuant to Section 52052.5 and subdivision (a), it is the intent of~~  
17 ~~the Legislature that the Superintendent forward the~~  
18 ~~recommendations of the advisory committee to the state board,~~  
19 ~~the appropriate policy committees of the Legislature, and the~~  
20 ~~Department of Finance. It is further the intent of the Legislature~~  
21 ~~that each recommendation include a cost estimate and a timeline~~  
22 ~~for implementation.~~

23 (c) ~~No recommendation made pursuant to subdivision (b) of~~  
24 ~~Section 52052.5, subdivision (a) of this section, or any other~~  
25 ~~proposal to develop a longitudinally valid assessment system may~~  
26 ~~be implemented unless and until funds are appropriated by the~~  
27 ~~Legislature in the annual Budget Act or another statute enacted~~  
28 ~~specifically for that purpose.~~